

REMARKS

The Examiner, Mr. Giesy, is thanked for the courtesy extended applicants' attorney during the telephone interview of July 31, 2007, wherein the features of claim 8 in relation to Nakamura (US Patent 6,985,424B1) were discussed. The undersigned attorney pointed out that while the Examiner referred to Fig. 3A of Nakamura et al and elements 33 and 34 as electrodes, as shown in Fig. 3(a) in Nakamura et al the two light emitting elements are necessarily represented by semiconductor laser chips 4a and 4b, and the elements 33 and 34, assumed to be representative of electrodes, are not mounted in a region between the two light emitting elements 4a and 4b, as recited in claim 8. The Examiner appeared to agree with this position, and indicated that if claim 8 were written in independent form, consideration would be given with respect thereto.

The indication that claims 9 - 14 are objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is acknowledged.

By the present amendment, claim 9 has been written in independent form incorporating the features of parent claim 7 therein, which claim has been amended to overcome the informality, as noted by the Examiner, claim 7 being canceled without prejudice or disclaimer of the subject matter thereof, such that claim 9 and its dependent claims should now be in condition for allowance.

Additionally, by the present amendment, claim 8 has also been written in independent form incorporating the features of claim 7 amended to overcome the informality as noted by the Examiner, and applicants submit that claim 8 and its dependent claims should also be in condition for allowance at this time.

As to the rejection of claim 7 under 35 USC 102(b) as being anticipated by Ishihara (US Patent No. 5,978,404), this rejection is considered to be obviated by the cancellation of claim 7. Accordingly, a discussion of Ishihara in relation to claim 7 is considered unnecessary.

As to the rejection of claim 8 under 35 USC 103(a) as being unpatentable over Ishihara (US Patent No. 5,978,404) in view of Nakamura et al (US Patent No. 6,985,424B1), this rejection is traversed and reconsideration and withdrawal of the rejection are respectfully requested.

In setting forth the rejection, the Examiner recognizes that "Ishihara fails to disclose any electrode on the same surface as the light emitting elements". The Examiner contends that Nakamura et al discloses a plurality of thin film electrodes for electrical connection of the two light emitting elements and are provided on the surface of the substrate on which the two light emitting elements are mounted "in a region between the two light emitting elements (see Figure 3a, elements 33 and 34)." Contrary to the position set forth by the Examiner, as discussed with the Examiner during the interview, and as evident from Fig. 3(a), the two light emitting elements are necessarily represented by the semiconductor laser chips 4a and 4b located at a center position of the substrate 1, and the electrodes, as represented by elements 33 and 34, are located in Fig. 3(a) to the left side of the semiconductor laser chip 4b having the semiconductor laser chip 4a arranged to the right side thereof. Applicants submit that Nakamura et al fails to provide any disclosure or teaching of a plurality of electrodes mounted in a region between the two light emitting elements, as represented by semiconductor laser chips 4a and 4b, noting that the aforementioned feature is clearly illustrated in Fig. 1 of the drawings of this application, for example, wherein the electrodes 7 are mounted in a region between the light emitting


elements 2 and 3 on the substrate 1. Thus, applicants submit that claim 8 recites features not disclosed or taught by Ishihara, as recognized by the Examiner, and not disclosed or taught by Nakamura et al, taken alone or in combination with Ishihara in the sense of 35 USC 103. Thus, claim 8 and its dependent claims, which dependent claims have been recognized as being allowable by the Examiner, patentably distinguish over this proposed combination of references and should be considered allowable thereover.

In view of the above amendments and remarks, applicants submit that all claims present in this application should now be in condition for allowance and issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 500.43301X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Melvin Kraus/ 
Melvin Kraus
Registration No. 22,466

MK/jla
(703) 312-6600